

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

WAYNE ADER,

Plaintiff,

Case No. 16-cv-13961

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

MERCHANTS & MEDICAL CREDIT
CORPORATION, INC.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

On November 8, 2016, Plaintiff Wayne Ader filed a complaint naming Marchants & Medical Credit Corporation, Inc., as Defendant. ECF No. 1. Ader alleges that Defendant violated the Fair Debt Collection Practices Act by failing to disclose that the debt it was seeking to collect was disputed by Plaintiff. All pretrial matters were referred to Magistrate Judge Patricia T. Morris. ECF No. 4. On August 11, 2017, Ader filed a motion for summary judgment. ECF No. 15. On January 9, 2018, Judge Morris issued a report recommending that Ader's motion for summary judgment be denied. ECF No. 22. She explains that a genuine issue of material fact remains on the question of whether any error by Defendant was intentional.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record.

Thomas v. Arn, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the Magistrate Judge's report and recommendation, ECF No. 22, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Ader's motion for summary judgment, ECF No. 15, is **DENIED**.

Dated: January 30, 2018

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 30, 2018.

s/Kelly Winslow
KELLY WINSLOW, Case Manager